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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,977	05/10/2001	Takahiro Koga	01USFP641-m.k.	4106
30743	7590	02/13/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	KOGA, TAKAHIRO
09/851,977	
Examiner	Art Unit
James A. Kramer	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-17 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Iinuma et al.

Iinuma et al. teaches an information network system in which user terminals include broadcasting signal reception sections for receiving a broadcasting signal transmitted by wireless or by a cable from the broadcasting center (column 5; lines 14-17). Iinuma et al. teaches the broadcasting signal includes a commercial program (i.e. advertisement) (column 5; line 54).

Starting at column 9; line 11, Iinuma et al. describes a case wherein, a user watches a shopping program at the user terminal and makes an application for shopping to database center. The user watches an image inserted in the shopping program and manually operates a running key on a remote control (column 9; lines 34-37). The CPU thus forwards a call origination instruction which connects the user terminal to the network (column 10; lines 7-11) wherein guide information and user information are transmitted to a sub computer (column 10; lines 11-14). Examiner notes that this represents informing said selection to a service system through network with user ID.

Examiner next references figures 10a-10c which represents an example of the screen of communication information presented to the user. This information represents the preparing and

display of a private page of detail information by which a user is able to carry out the purchase of the product. Examiner also notes that the data on this page, is derived from customer data (Figure 10(b)) and policy data (Figure 10(c)).

Iinuma et al. does not specifically teach how or who produces the shopping program (i.e. advertisement). Examiner takes Official Notice that it is old and well known for an advertiser to request an advertising agency to advertise articles and for the advertising agency to produce an advertisement program, then transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program. In support of this, Examiner references Applicants own admission of Prior Art in Figure 1 and on pages 1 and 2 of the specification.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the shopping program of Iinuma et al. is produced by an advertising agent in response to a demand from an advertiser as is old and well known in the art. One of ordinary skill at the time of the invention would be motivated to combine the references as taught in order for an advertiser to leverage the skills and resources of an advertising agent when marketing a product.

Iinuma et al. does not specifically teach paying an advertising production fee, paying a broadcasting fee or charging a fee for every transaction. Examiner takes Official Notice that all three of these fees are old and well known in the business methods art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Iinuma et al. by incorporating all three of the previously mentioned fees in order to

specifically illustrate how the system generates profits for the advertising agent, broadcaster and service system.

Claims 9-10 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iinuma et al. as applied to claims 1-8, 11-17 and 20 above, and further in view of Rioedan et al. Iinuma et al. does not teach producing marketing data based on purchases made and transmitting the marketing data to advertiser in order to optimize policy data.

Rioedan et al. teaches (in the background) that market research is an important business tool which permits companies to cost-effectively target their marketing and sales activities and efficiently reach potential customers. Rioedan et al. further teaches that organizations have long been known to collect marketing data by tracking sales transaction. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Iinuma et al. to collect purchasing data and to send this data to the advertiser in order to more cost effectively target marketing and sales activities (i.e. optimize policy data).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

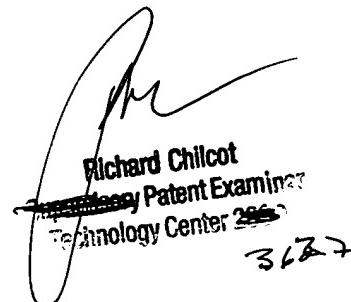
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
Examiner  
Art Unit 3627

JAK



Richard Chilcot  
Patent Examiner  
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3627